

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

DAMIEN HOWARD PONDER,

Plaintiff,

v.

COLUMBUS POLICE DEPARTMENT,

et al.,

Defendants.

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Case No. 2:24-cv-3747

Judge Algenon L. Marbley

Magistrate Judge Elizabeth P. Deavers


ORDER

This matter is before the Court on the Magistrate Judge’s Report and Recommendation (“R&R”) regarding Plaintiff’s Amended Complaint (ECF No. 7). (ECF No. 10). Plaintiff, Damien Howard Ponder, brought this case *pro se* against the Columbus Police Department and five CPD police officers. (ECF No. 7). In his Amended Complaint, Plaintiff alleges various claims—including claims brought under 28 U.S.C. § 1983—arising from his arrest, search, and seizure by Defendants on February 12, 2022. (ECF No. 7). On February 18, 2025, the Magistrate Judge issued the R&R recommending that Plaintiff’s claims be dismissed with prejudice for failure to state a claim upon which relief can be granted with the exception of his Fourth Amendment malicious prosecution claim. (ECF No. 10 at 13). In the R&R, the Magistrate Judge notified the parties that a failure to object within the applicable time period would result in a waiver of the right to have the district judge review the R&R *de novo*. (*Id.* at 14).

This Court has reviewed the R&R. Noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, this Court **ADOPTS** the Magistrate Judge’s Report and Recommendation (ECF No. 10) as this Court’s findings of facts and law. Plaintiff’s claims are **DISMISSED with prejudice with the exception of the Fourth**

Amendment malicious prosecution claim against defendant officers Kisha Orsini, Matthew Murphy, James Selhorst, Todd Cramblett, and Zachary A. Walker, in their individual capacities. Accordingly, Defendant Columbus Police Department is **DISMISSED** from this case.

IT IS SO ORDERED.



ALGENON L. MARBLEY
UNITED STATES DISTRICT JUDGE

DATED: May 6, 2025